

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CITIBANK, N.A.,

Petitioner,

-against-

JAMES MCPARTLAND,

Respondent.

20-CV-8673 (ALC) (BCM)

**ORDER SETTING BRIEFING
SCHEDULE AND HEARING re
CONTEMPT**

BARBARA MOSES, United States Magistrate Judge.

WHEREAS, on March 31, 2022, a judgment was entered in this Court in favor of petitioner Citibank, N.A. (Citi) and against respondent James McPartland in the amount of \$201,665.79 (Dkt. 16); and

WHEREAS, on or about October 26, 2022, Citi served McPartland with a restraining notice and asset interrogatories pursuant to N.Y.C.P.L.R. § 5224 and Fed. R. Civ. P. 69(a) (Dkt. 19); and

WHEREAS, on April 4, 2023, this Court issued an Order compelling McPartland to respond to the interrogatories on or before April 19, 2023, on pain of contempt sanctions (Dkt. 21), which Order was served on McPartland via UPS Overnight on April 6, 2023 (Dkt. 22); and

WHEREAS, Citi has moved pursuant to Fed. R. Civ. P. 37(b)(2) and Local Civ. R. 83.6 for an order holding McPartland in contempt of the Court and imposing contempt sanctions (Dkt. 23), but no proof of service of such motion appears on the docket;

It is hereby ORDERED that Citi shall serve its motion papers on McPartland, together with a copy of Local Civ. R. 83.6, "in the manner provided for by the Federal Rules of Civil Procedure for the service of a summons," Local Civ. R. 83.6, and shall file proof of such service no later than **June 8, 2023**.

It is further ORDERED that McPartland's papers in opposition to the sanctions motion shall be filed on or before **June 22, 2023**. Citi's reply papers shall be filed on or before **June 27, 2023**.

It is further ORDERED that the Court will hear Citi's motion on **June 29, 2023**, at **10:00 a.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, NY 10007. This is an in-person proceeding. Respondent McPartland must appear, either *pro se* or through counsel, at the hearing. **Should McPartland fail to respond to the sanctions motion and/or fail to appear at the hearing, the Court could grant Citi's motion without any evidentiary hearing and impose the requested sanctions, or any of the sanctions set forth in Local Civ. R. 83.6(c) and/or Fed. R. Civ. P. 37(b)(2).**

Dated: New York, New York
May 26, 2023

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Barbara Moses', is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge